

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

CRAIG S. AMAN

Atty. Docket US000436

Serial No. 09/739,357

Group Art Unit: 3714

Filed: December 19, 2000

Examiner: Banafsheh Hadizonooz

For: WEB ENABLED MEDICAL DEVICE TRAINING

Honorable Commissioner for Patents
Alexandria, VA 22313

PETITION UNDER 37 CFR \$1.182

Sir:

This case is under appeal to the Board of Patent Appeals and Interferences (the "Board") by reason of a Notice of Appeal filed September 6, 2007. Applicant's brief was filed on November 6, 2007. In response to the filing of the brief, applicant received another Office action mailed January 29, 2008. On its face the case is still with the Board on appeal and the brief was treated as an amendment in the Office action.

35 U.S.C. \$134(a) provides that an applicant has a right to an appeal once his claims have been twice rejected. In this case applicant's claims have been rejected nine times. In August 2005 applicant appealed this case once before and briefed the appeal, only to have his appeal terminated and prosecution reopened by a new Examiner. The case is now being prosecuted by a third Examiner. Applicant is entitled to his right of appeal and should not have his patent delayed further.

Applicant's attorney is aware of no regulation of 37 CFR which governs this situation.

Please charge Deposit Account No. 14-1270 for the petition fee required by 37 CFR §1.17(f).

Relief Requested

It is respectfully requested that applicant be accorded the following relief:

- (1) That the January 29, 2008 Office action be withdrawn; and
- (2) That applicant's appeal be allowed to proceed unimpeded until the case is returned by the Board to the examining branch for further proceedings or is otherwise disposed of by the Board.

Respectfully submitted,

CRAIG S. AMAN

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